

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:23-cv-00258-MR-WCM

KERRY ADAM SHINE, JR.,)
)
 Plaintiff,)
)
vs.)
)
)
MECKLENBURG COUNTY JAIL,)
)
 Defendant.)

)

ORDER

This matter is before the Court *sua sponte* following a review of the docket.

On May 1, 2023, Plaintiff filed the instant action pursuant to 42 U.S.C. § 1983.¹ [Doc. 1].

The docket shows Plaintiff's current address as being the Irwin County Detention Center in Ocilla, Georgia. The Clerk, though, recently received a prisoner trust account statement from this detention center that contained language indicating that Plaintiff may have been released from custody on June 14, 2023. [Doc. 9 at 1].

Plaintiff, however, has not provided the Court with his updated address,

¹ A separate Memorandum and Recommendation is being entered in connection with the undersigned's initial review of Plaintiff's Complaint.

as he is required to do (if he has, in fact, moved). See Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988) (“A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address.”); accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct. 22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail).

Accordingly, Plaintiff is **DIRECTED**, on or before August 11, 2023, to notify the Clerk of this Court of his new address or to confirm that he remains at the Irwin County Detention Center. Plaintiff is **ADVISED** that failure to comply with this Order may result in the undersigned recommending that the presiding District Judge dismiss this action without prejudice for Plaintiff’s failure to prosecute.

It is so ordered.

Signed: July 26, 2023



W. Carleton Metcalf
United States Magistrate Judge

